EXHIBIT 1

District Court order dismissing complaint.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL AZIZ,
Plaintiff,

Case No. 1 : 96-CV-2716

vs.

RODNEY E. SLATER, SECRETARY,
DEPARTMENT OF TRANSPORTATION,
Defendant.

Order filed on Jun 30 1997

MEMORANDUM OF ORDER

This case is before the Court on defendant's renewed motion for summary judgment. The background of and legal standards governing this case were laid in some detail in the Court's Memorandum Opinion and Order of May 7, 1997, and will not be repeated here. In brief, plaintiff filed this employment discrimination case alleging that he was denied a teaching job at the US Coast Guard Academy based on his age (63 years at the time of his application). Defendant moved for a summary judgment; the court granted plaintiff's Rule 56(f) motion and permitted him to obtain limitted

discovery. The court also granted the defendant leave to renew his motion for summary judgment upon completion of that discovery. The defendant did so; plaintiff also filed two additional responses.

The discovery obtained by plaintiff consists of the applications and the spreadsheets of the five finalists for the teaching position for which plaintiff applied. Although plaintiff initially provided no evidence suggesting age discrimination or even that the reasons given for his non selection were pretextual, the Court held that very limited discovery in this case was appropriate under Rule 56(f), becauseif it turned out that the five finalists were substancially younger than plaintiff he might be able to raise an in ference of age discrimination. The discovery reveals that the ages of the five finalists were: 26, 36, 38, 43, and 65 years old. The okdest candidate, John Dixon, scored higher than any other candidate, including the selectee and plaintiff.

As discussed at some length in the Court's May 7 Memorandum Opiion, plaintiff is required to make out a prima facie case of discrim ination and point tosome evidence that could raise an in ference that age played a role in his non selection. He has failed to do so. Even assuming that the plaintiff has shown that he was qualified for the position he saught, nothing in the record, including the discovery provided by defendant, raises an inference that the age played any role in hiring decision. The candidates ranged in age from 26 to 65 years old, one of the finalists was older than plaintiff, and plaintiff has provided no evidence that age was even considered in the decision.

Plaintiff's focus throughout the case has been on his own qualifications for the position and he has argued vehemently

that he was more qualified than the selectee was. The Age Discrimination in Employment Act, however, is not a vehicle for second guessing the hiring decisions of employers but rather is designed to root out illegal discrimination. It may well be that plaintiff is qualified for such a teaching job, but the ADEA prohibits only those decisions motivated by age discrimination. Plaintiff has pointed to no evidence that would suggest that this non selection was based on his age. Therefore, not withstanding his qualifications, whatever they may be, he use the ADEA to upset the Coast Guard's hiring decision.

As the court wrote in its May 7 Memorandm Opinion, without any evidence suggesting age discrimination plaintiff's case must be dismissed. An order and judgement consistent with this Memorandum Opinion this same day.

SO ORDERED.

Sd/-
PAUL L. FRIEDMAN
United States District judge

Date: 6/30/97

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Defendant.

ORDER AND JUDGMENT

For the reason stated in the accompanying Memorandam Opinion issued this same day and in view of the Court's ruling in its Memorandum Opinion and Order issued May 7, 1997, it is hereby

ORDERED that the defedant's renewed motion for summary judgment is GRANTED, it is
FURTHER ORDERED that this case is dismissed.

SO ORDERED

SD/-
PAUL L. FRIEDMAN
United States Judge

Date: 6/30/97

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 97-5169 **September Term, 1997**
96cv02716

Abdul Aziz
Appellant

v.

Filed October 29, 1997

Rodney E. Slater, Secretary, Department of Transportation, Appellee

BEFORE: Wald, Sieberman, and Randolph
Circuit Court Judges

ORDER

Upon consideration of the motion for summary affirmance, the motion for summary reversal, the opposition thereto, and the reply, it is

ORDERED that the motion for summary reversal be denied and that the motion for summary affirmance be granted because appellant failed to produce any evidence suggesting that the proffered reason for the nonselection -- that the selectee was more qualified -- was a pretext for discrimination (citation omitted)

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. Per curi

The advertisement of qualifications for the position advertised in the Chronicle of Higher Education dated February 2, 1996.

Mechanical engineering: Temporary Faculty position. The U.S. Coast Guard Academy invites applications for a full-time temporary teaching position in Mechanical Engineering for the Fall 1996 and Spring 1997 semesters. The successful candidate will teach undergraduate Mechanical Engineering courses in both thermal sciences and mechanical systems areas as well as supervise student projects. Applicants must possess a Master's degree in Mechanical Engineering or a related field. A Ph.D. degree, college-level teaching and engineering experience in industry are preferred. A demonstrated commitment to excellence and innovation in undergraduate teaching is desired. .....

ADVERTISED QUALIFICATIONS

Qualifications (Final)	Weight placed
1. Degrees	**10**
2. Industrial Experience	4
3. Teaching Experience	**6**
4. Courses Taught	8
5. Project Supervision	**4**
6. Innovation	2
Total	**34 = 47%**

All of the above advertised qualifications are required, preferred or desirable qualifications according to the advertisement, exh. 1.

UNADVERTISED QUALIFICATIONS:

7. Professional Registration	2
8. Prof. Exp. in Leadrshp/ Tchng/Prog/ Crs Devel/	**6**
9. Potential for Future Contrib.	5
10. Awards & Honors	**3**
11. Papers Published	5
12. Prof. Society Activity	**3**
13. Institutional Services	3
14. Extracurricular Activity	**3**
15. Other Info	8
Total	**38 = 53%**

None of the above qualifications has been referred to as required, preferred, or desirable qualifications.

How can non required, non preferred, non desirable qualifications carry more weight than required, preferred or desirable qualifications ?

UNITED STATES DISTRICT COURT
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Defendant.

Plaintiff's Required Response to court order of 5-6-97

The plaintiff resopnsees as follows:

Plaintiff has received the applications and spreadsheets of the five finalists on 5-16-97, transmitted by defendant via Federal Express. The following information are given below from the above materials, listed in order in which they were stapled together by defendant.

Names	Layton	Capobianchi	Starns	Walters	Dixon
Scores	**7.56**	**7.22**	**7.01**	**8.40**	**8.53**
Ages	**26**	**36**	**38**	**43**	**65**

Plaintiff has mailed a response (preliminary) to the court by USPS certified mail on 5-15-1997, in which he has stated his stand. Upon receipt of the above materials, he has not changed his mind, but he may add that a ruling on the proportion is likened to the ruling on age difference in the case of age discrimination in which the Supreme Court's ruling was that the age difference must not exceed two years.

Respectfully submitted, by Abdul Aziz, 5-23-97.

Table A. Spreadsheet: Rating Sheet of Walters, the selectee

1	2	3	4	5	6	7	8	9	10
Qualifications	Assigned Scores by the Employer					Weight Placed	Norm Factor	Score	Weighted Score
1	10	8	7	6	4	10	0.139	9	
2	10	9	8	6		4	0.056	10	
3	10	9	8	6		6	0.083	10	
4	10	9	8	5		8	0.111	10	
5	10	8	5	3		4	0.056	7	
6	10	8	6			8	0.111	8	

Table A. Spreadsheet: Rating Sheet of Walters. Contd.

1	2	3	4	5	6	7	8	9	10
Qualifications	Assigned Scores by the Employer					Weight Placed	Norm Factor	Score	Weighted Score
7	10	5				2	0.028	0	
8	10	8	6			5	0.069	9	
9	10	8	6			3	0.042	8	
10	10	7	5			5	0.069	5	
11	10	7	4			3	0.042	3	
12	10	8	5			3	0.042	10	
13	10	8	6			3	0.042	10	
14	10	7	5			8	0.111	10	
Total									**8.40**

Table B. Spreadsheet: Rating Sheet of Aziz, the petitioner

1	2	3	4	5	6	7	8	9	10
Qualifications	Assigned Scores by the Employer					Weight Placed	Norm Factor	Score	Weighted Score
1	+1 (10)	8	7	6	4	10	0.139	11	1.529
2	(10)	9	8	6		4	0.056	10	0.56
3	(10)	9	8	6		6	0.083	10	0.83
4	(10)	9	8	5		8	0.111	10	1.11
5	10	8	(7) 5	3		4	0.056	7	0.448
6	10	(8)	6			8	0.111	8	0.666

Table B. Spreadsheet: Rating Sheet of Aziz. Contd.

1	2	3	4	5	6	7	8	9	10
Qualifications	Assigned Scores by the Employer					Weight Placed	Norm Factor	Score	Weighted Score
7	10	5	0			2	0.028	0	0.00
8	10	8	6			5	0.069	8	0.552
9	10	8	6			3	0.042	8	0.336
10	10	7	5			5	0.069	5	0.345
11	10	7	4	0		3	0.042	0	0.00
12	10	8	5			3	0.042	5	0.21
13	10	8	6			3	0.042	6	0.252
14	10	7	5		0	8	0.111	0	0. 00
Total									**6.835**